

APPROVED

PLANNING BOARD MEETING

NOVEMBER 9, 2015

CITY HALL AUDITORIUM

62 FRIEND STREET, AMESBURY, MA.

Meeting called to order at 7:12 pm.

Present: Robert Laplante, Howard Dalton, Lars Johannessen, Ted Semesnyei, Scott Mandeville, Karen Solstad.

Absent: David Frick.

Also Present: Nipun Jain, Planner; Paul Bibaud, Recording Secretary.

MINUTES: OCT. 26, 2015 - Motion made by Robert Laplante to accept minutes, with two minor additions, as presented. Motion was seconded by Lars Johannessen. AIF

FORM A PLANS:

ANR #1374-15-4, 86 Powow Street, (Map 25, Lots 23.0 and 23.1) – Michael Umano/Trustee.

Rick Bosi, representing the applicant: I was here before to explain that we split the lot in half, and it didn't make the back requirement. So we revised and re-submitted the plan to show one small lot and the remaining lot being the two lots being subdivided, each making the frontage and also the rear setback (80 feet) required in that district, along with the square footage.

Motion was made by Ted Semesnyei to accept these lots. Motion was seconded by Scott Mandeville. AIF.

ANR #1375-15-4, 9 Mockingbird Hill, (Map 59, Lot 80) – Karen McGrath.

Matt Steinell, Millenium Engineering, representing applicant Karen McGrath and Vern Dokos' estate: This property is an existing parcel described as three separate lots on the deed, but is currently existing on the assessor's card as two lots. The applicant wants to officially eliminate the lot line that runs through the garage and produce a new line that is shown 44 feet off the back of the garage, which would then split the lot into Lot B and Lot A, as shown on the plan before you. Each of those two lots (A+B) are in excess of the minimum of 20,000 square feet, have the minimum frontage. The existing garage and dwelling don't necessarily conform with the required setbacks, but they are pre-existing nonconforming and are currently on the lot in that configuration. So the new lot line would not make that any worse than the current situation is, and there would be no issues with Lot B setbacks as it is shown. The lot across the street (Lot 28D) would remain unbuildable. It doesn't meet the minimum size and all you could put on there is a shed. The Lot B trails away and drops off as you head towards Lake Attitash Road. So utilities are on Mockingbird Hill. We are essentially cutting off Lot B from the access to the utilities on Mockingbird Hill. So along that northern edge where we propose a 25 foot wide access and utility easement to allow bringing in water and sewer in to that corner to attach to whatever is being built on Lot B.

Motion was made by Scott Mandeville to accept Form A plan on 9 Mockingbird Hill. Motion was seconded by Robert Laplante. AIF

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CONTINUED PUBLIC HEARING(S):

29 AND 37 SOUTH HUNT ROAD - ARC TECHNOLOGIES – SITE PLAN

APPLICANT: W.C.CAMMETT ENGINEERING

CONTINUED TO November 23, 2015.

Nipun Jain: Applicant has requested continuation to Nov. 23, and the PLB consultant issued an initial review report on November 5th so the applicant is working on responding to those comments, and I do not know when we will get those. The revisions requested are not significant, so it won't be a lot to review. We need those revisions no later than the end of this week, if the meeting is to be held on November 23, 2015.

Motion to continue was made by Scott Mandeville to November 23 pending getting an updated package from them by this Friday. Motion was seconded by Ted Semesnyi. AIF.

CONTINUED – FINAL ACTION:

56-58 SOUTH HAMPTON ROAD – LOCKE HILL LANE

AS-BUILTS AND FORM I - RELEASE LOTS 6,7,8,9,10,11,12

Applicant is Mr. Couillard.

Nipun Jain: The developer requests the release of Lots 6, 7, 8, 9, 10, 11, and 12. Staff has no issues with this application. We have a Form I release form for the board to sign, now that we have the as-builts. We have surety provided by Lowell Bank in the name of PLB for the remaining work on the roadway. The developer also acknowledges that they have to get the sign off on the individual building designs for each lot before they apply for a building permit. I trust that they will continue to follow up on that.

Motion was made by Lars Johannessen to release these lots. Motion was seconded by Scott Mandeville. AIF.

ADMINISTRATIVE:

37 MIDDLE ROAD – EASTERN LIGHTS - Performance Bond Acceptance.

Applicant: Thomas Anderson/Eric Botterman - CONTINUED TO NOVEMBER 23, 2015

Nipun Jain: We had a meeting with the developer and their engineer. At that meeting, I was assured that the developer will come in with an update on why the project has not moved forward, and also to request a performance bond acceptance. In spite of at least 3-4 reminders, I have not received any update, other than the fact that the developer continues to work on preparing an estimate for the performance bond. The city's simple request has been to provide us with status of when the construction was complete on the right of way, so that we know a definite time frame for the subdivision road and associated utilities to be complete. We have not received any inclusive response, not a schedule or a start of work date, or completion of work date. That is very frustrating because if we get any questions from the neighborhood, we have no answers in that regard. A further concern is that if the work does not continue or progresses, then the infrastructure already installed might be compromised because it is not being properly taken care of or is exposed or left unattended for an extended period of time. So we've

been notifying the developer of the board's concerns to at least get a schedule of when the work will be complete. If the board wishes, I can have the legal counsel look into this matter to determine what legal steps we need to take to document the board's effort to get a response, and what else can the PLB do to get the developer to show up and respond to the PLB and your concerns.

Howard Dalton: I think we need to write him a letter and demand that he be in attendance at the next meeting, or we will begin action on rescinding the subdivision approval. I make a motion to that effect. Motion was seconded by Lars Johannessen. AIF.

95 HAVERHILL ROAD – SHAHEEN BROTHERS

Request to approve release of remaining funds in Escrow.

Nipun Jain: So the request was continued to this meeting pending information from ConCom on the completion of work. We have received a recommendation from ConCom that the work has been completed and that the remaining funds can be released. So we recommend approval of the request.

Motion was made by Robert Laplante that we release the funds. Motion was seconded by Lars Johannessen. AIF.

60 MERRIMAC STREET – HATTER'S POINT – PHASE II

**Form F, Performance Bond – Secured By Deposit – Mr. Larry Smith
Sediment and Erosion Control Bond – Attorney Jack McIlhinney, Esq.
Robert Laplante recuses himself.**

Nipun Jain: These are two different bonds: The sediment and erosion control bond estimate was reviewed by the PLB consultant, Stantec, and recommended for approval, and the staff recommends the same. Also, the performance bond is actually a different bond that usually kicks in prior to the building permit, and an estimate has not yet been reviewed by Stantec, for the very reason we don't know what work is going to be complete or not complete, and it is premature, so that estimate is still under consideration by Stantec. They have the estimate, but at this point, they are saying the performance bond will be pretty big, based on nothing having been done. So it is not prudent to do anything right now. Let's have the site stabilized and have it ready for building permit conditions, then determine what the appropriate performance bond will be. **So staff recommends that the sediment and erosion control bond be accepted as presented in the form as presented, and that the performance bond be reviewed at a subsequent meeting.**

Motion by Lars Johannessen of "so moved." Motion was seconded by Ted Semesnyei. Unanimous, with Robert Laplante recused.

MACY STREET – CVS - Performance Bond Release

Representative: Mr. Jim Mitchell

Lars Johannessen and Karen Solstad recuse themselves as abutter, and Robert Laplante abstains.

Nipun Jain: If you take a vote, you can continue this to November 23, but you can at least have a discussion, and I want to do that. If we're not taking any action, we can discuss it, but we should let them know why we are not taking any action tonight. Once

we conclude the discussion, I can outline why the board didn't take any action. The real issue is, these guys have been making a request to the city since late summer on releasing the performance bond, because in their minds, the project is complete. There have been no issues brought to their attention with regards to stormwater or any hard assets, only the landscaping has been an ongoing issue, and we told them it has to go through two growing seasons and it is their responsibility to fix what is not either installed or something that has not survived the growing season. I have not seen anything on the site that could be construed as taking initiative to replace dead or other plant material. So I have not made the request of PLB to actually release anything. I wanted the board to have some say in the matter. My suggestion is that, in order to bring it to their attention, in a more forceful manner, to actually either staff or board members going to the site, taking a few photos of what they see, as existing conditions and pointing out those that cause the PLB to not release any monies. In discussing the matter with a few of the PLB members, I did remind them that this is not real money that we hold, so if you have to take the bond to finish that work, its probably not going to be easy. So PLB should choose an option where they can ask the developer to do this work rather than pursuing taking the bond to finish the work. The weather is still okay with no snow cover on the ground, so it may be easy to see and identify what the issues are. I'll be happy to walk the site with board members and make that documentation. Howard Dalton volunteered to do this. Also, this issue comes up on several projects as we close out, and we end up in this performance bond situation. One of the recommendations that we would like to make to PLB for future projects is, when you establish the bond, especially performance bond, to take a certain percentage as cash, so that that then remains. So if you take 10-15% of the bond amount to be established as cash and the remaining can be in any other form, then you don't have to do these gyrations at the end of the project. So with that, I'll make a note for the record that "let the record show we have 6 members present tonight, of those 6 members, two are abutters who had to recuse themselves from taking any formal action, and one member has chosen to abstain from any decision making on this matter, so for that reason, this item will be continued to November 23 meeting and in the interim, the PLB will go to the site and document what it believes are issues in landscaping material that prevent the PLB from taking any final release action on this matter. So this will be continued to November 23, 2015.

19 EVANS PLACE

Nipun Jain: We have one other item that is not on the agenda, because it is somewhat minor in nature, we added it. This relates to 19 Evans Place. It should be in your packages. The developer has made a request of two things: one, to change the approved name from Morrill Farm Road to Point Shore Drive, and although I did not receive the written request for the waiver for the setbacks, we did receive a plan for Lot 13 showing the foundation plan for the approved house, which necessitates granting of the setback waivers. So a two part action on this project: 1. to approve or disapprove the request of a name change, and 2. to approve or disapprove the request for waivers for the setbacks, pursuant to the approved house lot. The developer is here if you have any questions. The Fire Dept. states they have no issue with the current name Morrill Farm Road, or if there is a new name proposed to Point Shore Drive. Rick Saba the developer spoke as to why they would prefer the street to be known officially as Point Shore Drive.

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Motion was made by Robert Laplante that PLB accept the proposed name of Point Shore Drive. Motion was seconded by Karen Solstad. Vote was 4 to 2 to name it Point Shore Drive.

Nipun Jain: The second request was re: a plan in your packets, 8 1/2 by 11, showing the building foundation and proposed setbacks. So because this is a cluster special permit, the board has the ability to waive the setback requirements that are otherwise required in this district. The proposed house would require a 15 foot setback from the southerly property line, and 21 feet from the garage corner from the proposed right of way and 37 feet from the edge of right of way that is known as Evans Place. The rear yard property line is not so well seen on the plan, but if you look carefully, you will see where the rear lot line would be. The waiver is to go from 25 feet to fifteen feet for the front yard setbacks in this location. So frontage is going to be on Point Shore Drive, on #1 Point Shore Drive, so you would need a waiver from the front yard setback. This gives less front yard but more backyard space. So staff recommends that any waivers that are needed should be granted, because there was a lot of effort made both by the developers team and by the subcommittee of the board to get the most appropriate house for this lot, and if that requires the waivers from the setback requirements, you can grant the waiver to say that the waivers are being granted from the required setbacks to the 15 feet rear and side to allow the proposed house to be built. It might require the garage site to be pulled up closer than 21 feet. That can go up to 15 or 18 feet. That gives more room on the living side from the property line. Staff recommends this. You can grant the waivers, then if you want to decide where the house will sit, we need more time because we just got it, and you can recommend likewise.

Motion was made by Scott Mandeville to accept the proposed waivers on the condition that the orientation of the house remain the same. The final numbers can be adjusted. Also to pull the house closer to Evans Place, to match most houses being close to the street there, giving more of a backyard. Motion was seconded by Howard Dalton with the condition that the house be moved within 25 feet of Evans Place, and to grant the waiver of the front yard to be reduced to 15 feet. AIF.

BILL PAYMENTS:

**Stantec – Hatters Point Compliance Review – Invoice #969560 = \$4,948.75
Review Fee After Payment of this Invoice: \$296.25/Request Additional Funds
Robert Laplante recuses himself.**

Nipun Jain: Staff is recommending that PLB asks for additional funds because this is an ongoing project that may need review of engineering details that may be modified, so we'd like to keep the two accounts separate, reviewers and inspections, and given where the project is right now, in the construction phase, we would recommend that you ask for at least \$2K to \$3K.

Motion was made by Scott Mandeville to pay the invoice as billed and request an additional \$3K to be held for future review. Motion was seconded by Lars Johannessen. Vote was unanimous with Robert recused.

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**Stantec – Amesbury Heights Compliance Review – Invoice #969520 = \$1,774.50
Review Fee After Payment of Invoice: \$9,739.70**

Motion was made by Lars Johannessen to pay the invoice in the amount of \$1,774.50. Motion was seconded by Robert Laplante. AIF.

**Stantec – 19 Evans Place Compliance Review- Invoice #969557 = \$2,199.63
Review Fee After Payment of this Invoice: \$5,614.44**

Motion was made by Karen Solstad to pay invoice 969557 to Stantec for the review of 19 Evans Place in the amount of \$2,199.63.

Motion was seconded by Ted Semesnyei. AIF.

Motion to adjourn the meeting was made by Lars Johannessen.

Motion was seconded by Howard Dalton. AIF.

Meeting was adjourned at 8:10 PM.